

GOVERNMENT OF TELANGANA
ABSTRACT

PUBLIC SERVICES – A.P. Police Subordinate Service Rules – Fixation of seniority of Police Constables in AR/SARCPL Police Constables who are appointed by transfer (by conversion) from TSSP in terms of orders dated:8.10.2013 of High Court in W.P. Nos. 21610/2007 and batch cases by applying weightage formula for purpose of further promotion in Armed Reserve - Adhoc Rule - issued.

HOME (LEGAL) DEPARTMENT

G.O.MS.No. 26

Dated:29-04-2015.

Read the following:-

- 1.G.O.Ms.No.1263 G.A.(Rules) Department, dated:26.08.1959.
- 2.G.O.Ms.No. 270 Home Dept., dt.02.04.1990.
- 3.G.O.Ms.No.299 Home(Police D) Dept., dt.05.10.1999.
- 4.Hon'ble APAT orders dated:23.8.2007 in O.A.No. 2352/2007 and batch cases.
- 5.G.O.Ms.No. 329, Home (Legal.II) Department, dated:28.12.2010.
- 6.G.O.Ms.No. 54, Home (Legal.II) Department, dated: 18.2.2013.
- 7.Hon'ble High Court orders, dated: 8.10.2013 in W.P.Nos.21610/2007 and batch cases.
- 8.Letter Rc.No.340/E2/2014-1, dated:3.7.2014 from the Director General of Police, Telangana, Hyderabad.
- 9.G.O.Ms.No.16, Home (Legal) Department, dt.20.3.2015.
- 10.Letter Opn.No.143/2014/MVRR/Ser/HC, dated.26.3.2015 of G.P.for Services (TS), High Court, Hyderabad.
- 11.Letter No. 340/E2/2014-1, dt. 4.4.2015 of DGP, Telangana, Hyderabad.

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ORDER:-

The Police Sub-Ordinate Service Rules from the rank of PC to Sub-Inspector for different organizations in Police Department were issued vide reference 1st read above. In the said Rules, provisions were made for fixation of seniority to the individuals who were appointed by transfer as follows:

Rule 15 (c): "The transfer of a person from one class or category of service to another class or category carrying the same pay or scale of pay shall not be treated as first appointment to the latter for purposes of seniority and the seniority of person so transferred shall be determined with reference to the date of his first appointment to class or category from which he was transferred. Where any difficulty or doubt arises in applying this sub-rule, seniority shall be determined by the appointing authority".

Rule 15 (e): "The seniority of qualified Special Policemen appointed by transfer as Constables in this service shall be determined by the date of their first appointment in this service for purposes of confirmation in vacancies in this service".

2. In the references 2nd read above, an amendment was issued to G.O.Ms.No.1263 G.A.(Rules) Department, dated:26.08.1959 by making the provision for appointment by transfer of eligible police constables to District Armed Reserve and City Armed Reserve from special police battalions and in the reference 3rd and 5th read above terms and conditions for such appointment by transfer was specified.

3. Seniority of PCs of Armed Reserve and SARCPL who were appointed by transfer from PCs (TSSP) was fixed from the date of initial appointment as PC (TSSP) by following Rule 15 (c) in all districts except Medak and Warangal districts. In these districts also for some time Rule 15 (c) was followed. However, in the year 2006, direct recruit ARPCs and Convertee AR PCs of Warangal and Medak Districts assailed the system of following Rule 15 (c) initially in APAT and subsequently in High Court and obtained "Status-Quo-Orders", due to which promotions were not affected from the rank of ARPCs to AR HCs from the year 2006 till date in Warangal and Medak districts.

4. Though Rule 15 (e) is required to be followed for fixation of seniority of Police Constables transferred from Special Police Battalions to Armed Reserve, Rule 15 (c) was followed in all districts. Based on Rule 15 (c) the seniority list was published in the

respective districts and those police constables who are transferred from the Battalions were interpolated in the seniority list by virtue of Rule 15 (c) and all of them enbloc were shown as seniors as per the date of their initial appointment.

5. The APAT while allowing the O.A. directed that the seniority of the police constables of the Special Battalions transferred to A.R. be determined under Rule 15 (e) but not under 15 (c) thereof. The same was challenged in the High Court and High Court issued interim stay orders. On arising of similar dispute in Warangal District Rule 15 (e) was deleted through reference 6th read above.

6. The Hon'ble High Court disposed the W.Ps by upholding the orders passed by the APAT and directed the Government to consider the feasibility of evolving a formula to extend the benefit of weightage of service rendered by the A.R.P.Cs. who are appointed by transfer from TSSP subject to certain limit, duly taking the interest of the Constables appointed by direct recruitment or other modes over the period and till such time the formula is evolved, the reversions which are warranted on account of implementation of the orders passed by the Tribunal shall stand stayed.

7. The D.G.P., A.P., taking into consideration orders of the Hon'ble A.P. High Court, constituted a committee under the chairmanship of Addl. D.G.P. (L&O). The committee has evolved the following formula for fixation of seniority in respect of A.R. P.Cs. and S.A.R. C.P.L. P.Cs. appointed by transfer from the T.S.S.P.:

"Shall be given a weightage of one year for every completed two years of service rendered as PC in TSSP, subject to a maximum of seven years. For the purpose of calculation of weightage under this clause, fractions, if any are to be ignored".

Date of fixation of seniority: If length of service of PC in TSSP is above 13 years and less than 14 years, then weightage is 6 years. If the date of appointment by transfer as PC AR is 18.01.2014 then date of fixation of seniority is 18.01.2008.

8. After bifurcation of Telangana State, the Director General of Police, Telangana, Hyderabad, vide reference 8th read above, has proposed the following formula for fixation of seniority in respect of Police Constables of AR PCs/SARCPL appointed by transfer from TSSP for approval:

"Shall be given a weightage of one year for every completed two years of service rendered in PC TSSP, subject to a maximum of seven years. For the purpose of calculation of weightage under this clause, fractions, if any are to be ignored".

Date of fixation of seniority: If length of service of PC TSSP is above 13 years and less than 14 years, then weightage is 6 years. If the date of appointment as PC AR is 18.01.2014 then date of fixation of seniority is 18.01.2008.

9. After examination of the matter, Government approved the proposal of the Director General of Police, Telangana, Hyderabad for fixation of seniority in respect of Police Constables of AR/SAR CPL appointed by transfer from TSSP and issued G.O.Ms.No.16 Home (Legal) Department, dt.20-03-2015 with instructions to take necessary action to adopt existing AP Police Sub-Ordinate Service Rules as amended up to 01-06-2014 with suitable modification to the state of Telangana, and furnish necessary proposals to the Government in due course.

10. The Director General of Police, Telangana, Hyderabad, vide 11th read above has informed that in his letter dt:23.3.2015 the opinion of the G.P. for Ser-I, High Court have been requested regarding date of implementation of the G.O. The G.P. vide his letter dt:26.3.2015 has opined that the weightage formula effects all the conversions and promotions from 2006 onwards and continue to operate even after Rule 15 (e) was repealed and applies to all units of the State and hence all promotions given from 2006 onwards by applying Rule 15 (c) need to be revised in all the units by applying the formula. The G.P. has also opined that the observations in para 7 of the G.O. Ms.No.16, dt:23.3.2015 that the orders of the High Court are applicable only for the promotions given up to 18.2.2013 the date on which Rule 15 (e) was deleted is not correct and that the formula for giving weightage for the purpose of seniority to the personnel appointed by transfer to Armed Reserve from the Special Police Battalions shall be made into a Rule which shall be made applicable with retrospective effect and continue to be in operation even after repeal of rule 15 (e) for preparation of seniority and effect promotions in future also and to obtain orders from the Government as an

amendment to the Service Rules **or at least** adhoc-rule immediately keeping in view of High Court orders. He has further informed that as per the opinion given, the orders of the High Court effects promotions, seniority and conversions which have taken place from 2006 onwards. Therefore, the seniority lists issued in all the units of the State require to be revised from 2006 onwards and if necessary reversion are to be effected. However, the present G.O. did not cover the above contingency. Hence, adhoc rule by repealing G.O. Ms.No.16, dt:20.3.2015 is required to be issued by the Government to avoid future litigations. He has requested the Government to cancel G.O. Ms.No.16, dt:20.3.2015 and to issue revised G.O.

11. The Government have re-examined the matter based on the revised proposals of D.G.P., Telangana and legal opinion on the issue rendered vide reference 10th read above. In order to balance and to keep intact the morale of the petitioners on one hand and respondents on the other, it has been decided to issue adhoc rules to extend the weightage of service as above to the personnel who have rendered service in TPSP and appointed by transfer to the Armed Reserve. It has also been decided to implement the weightage formula with effect from 01-01-2006, since the seniority list prepared for the year 2006 as per Rule 15 (c) by the S.P., Medak was set-aside by the A.P.A.T. which was later upheld by the Hon'ble A.P. High Court.

12. Therefore the G.O. issued in the reference 9th read above stands repealed.

13. The Adhoc Rules hereby made shall be deemed to have come into force with effect from 01-01-2006.

Accordingly the following notification is published in T.S. gazette:

NOTIFICATION

Notwithstanding anything contained in Andhra Pradesh Police Subordinate Service Rules issued vide G.O.Ms.No.1263, G.A. (Rules) Department, dt:26.8.1959 as amended from time to time and as in force on 2.06.2014 by virtue of section 101 of the A.P. Reorganization Act, 2014 (Act No.6 of 2014), and in addition to the said rules, the Governor of Telangana makes the following Adhoc Rules:-

AD-HOC RULES

"The seniority of Police Constables in Armed Reserve, appointed by transfer from Special Police Battalions shall be fixed giving weightage of one year of service for every completed two years of service rendered as Police Constables in Special Police Battalions, subject to a maximum of seven years.

Note: For the purpose of calculation of weightage under this clause, fractions, if any are to be ignored.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**B.VENKATESHAM
SECRETARY TO GOVERNMENT**

To
The Commissioner, Printing, Stationery & Stores Purchase,
Hyderabad, for publication of the notification in the Telangana
Extraordinary Gazette and to supply (200) copies to the Government.
The Director General of Police, Telangana, Hyderabad

Copy to:-

The Govt. Pleader for Services (TS), High Court of Telangana, Hyderabad
The Accountant General, Telangana, Hyderabad
The Director of Treasuries & Accounts, Telangana, Hyderabad
Home (Ser-II) Section
Home (Legal) Department, Govt. of A.P.
Law (C) Department
PS to Minister (Home)
PS to C.S.
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER